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| 09/976,848 | 10/12/2001 | Patrick A. Verta | HDN-101/US | 1699 |
| 30869 | 7590 | 06/02/2005 | EXAMINER | |
| LUMEN INTELLECTUAL PROPERTY SERVICES, INC. 2345 YALE STREET, 2ND FLOOR PALO ALTO, CA 94306 | | | NGUYEN BA, PAUL H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2176 | |

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,848

Applicant(s)

VERTA, PATRICK A.

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Applicant's Amendment filed on January 24, 2005.
2. Claims 1-30 are currently pending. Claims 2 and 16 are independent claims.

Priority

3. This application claims benefit of provisional patent application 60/288,620 under 35 U.S.C. 119(e).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-18, and 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. ("Sullivan"), U.S. Patent No. 6,651,216, in view of Wisniewski, U.S. Patent Application Publication No. 2002/0023105, in further view of Nolan et al. ("Nolan"), U.S. Patent No. 5,253,362.

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Regarding independent claims 1, 2, 15, and 16, Sullivan teaches a program storage device, system for capturing and managing data, computer system, and method comprising:

providing a plurality of tabular forms; wherein each of said tabular forms contains data in a plurality of cells (see Abstract and Figs. 4-7);

Sullivan does not explicitly teach *wherein at least one of said plurality of cells is selected to correspond to one or more corresponding tabular forms, corresponding data sheets, or a combination of both; wherein each of said corresponding tabular forms contains at least one cell that is associated with yet another level of corresponding tabular forms, corresponding data sheets, or a combination of both, thereby encompassing a cascading mechanism that enables a user to enter and manage data at different levels, and a user interface having one or more display areas, one of which is displaying said cascading mechanism.*

However, Wisniewski teaches a spreadsheet and user interface having display areas wherein a cascading mechanism is created based upon a root cell. The cells that are immediately dependent on the selected cell are the cells at level 1 and so on and so forth (see para [0040]) for motivational purpose of maintaining cell dependencies between forms or tables.

Since Sullivan and Wisniewski are both from the same field of endeavor, the purposes disclosed by Wisniewski would have been recognized in the pertinent art of Sullivan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan with the teachings of Wisniewski to include a user interface having one or more display areas, one of which displays said cascading mechanism that enables

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user to enter and manage data at different levels for the motivational purpose of maintaining cell dependencies between forms or tables.

a means for determining status of entered data (by carrying out at least one mathematical operations on said entered data) (see Figs. 4, 5, and 7; col. 1 lines 30-34; col. 3 lines 10-30);

Sullivan-Wisniewski, do not explicitly teach *a plurality of descriptors for indicating said status*. However, Nolan teaches descriptor notation signs (such as a1, a2, etc.) in a clinical database system illustrated within a cell for the purpose of describing cell information contents and status (see col. 5 lines 36-50).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan with the teachings of Nolan to include a plurality of descriptors for the motivational purpose of describing cell associated information and status contents.

Sullivan teaches selection of a cell by double-clicking on said cell, but does not explicitly teach selecting means selected from a group consisting of a roll-over or a single click to activate a cell of interest. However, Wisniewski teaches single clicking on a cell to activate the cell of interest (see paras [0003], [0029], [0035], and [0037]). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan with the teachings of Wisniewski to include single-clicking for the motivational purpose of activating a cell of interest.

Sullivan-Wisniewski do not specifically teach *wherein, upon activation, a corresponding tabular form or a corresponding data sheet is displayed proximate to said cell of interest.*

However, Nolan teaches a method for annotating data objects wherein a cell in a flowsheet may have a form or report window (i.e. data sheet) displayed proximate to cell of interest which expands on the information in the cell (col. 2 lines 50-52) for the motivational purpose of expanding cell information to include information such as parameter title, date, time, place, systolic and diastolic pressure, etc. (col. 5 lines 14-34; see also Figs. 4 and 5).

Since Nolan and Sullivan-Wisniewski are both from the same field of endeavor, the purposes disclosed by Nolan would have been recognized in the pertinent art of Sullivan-Wisniewski. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan-Wisniewski with the teachings of Nolan to include displaying a data sheet proximate to cell of interest with corresponding data to the activated cell of interest for the motivational purpose of expanding cell information to include information such as parameter title, date, time, place, systolic and diastolic pressure, etc.

Claims

3. ...wherein said plurality of descriptors comprises a plurality of signs.

5. ...wherein said plurality of descriptors comprises a plurality of tags.

Sullivan/Wisniewski /Nolan

Please refer to the rationale relied upon to reject claim 2.

Sullivan-Wisniewski teach providing within a cell descriptors, but does not specifically teach a plurality of descriptors comprising a plurality

- of tags.
It was commonly known to those of ordinary skill in the art and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use tags within a cell for the purpose of marking a section of a document with a formatting command.
6. ...wherein said plurality of descriptors comprises a plurality of statistical parameters.
- Sullivan-Wisniewski do not specifically teach a plurality of descriptors comprising statistical parameters. However, Nolan teaches annotations associated with each cell comprising statistical parameters (col. 5 lines 20-38; see also Fig. 4 and 5) for the purpose of describing the data associated with each cell.
- It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan-Wisniewski with the teachings of Nolan to include a plurality of descriptors comprising statistical parameters for the purpose of describing cell associated information contents.
7. ...comprising a manager with a plurality of tools to manage at least one data capture and management operation.
- See Sullivan Figs. 4 and 10; col. 12 lines 51-52, 59-60. Toolbar and Menu Bars provide user commands to manage data capture and management operations.
8. ...wherein one of said display areas displays information of said at least one data capture and management operation.
- See Sullivan Figs. 4-8C.
9. ...comprising a means to manipulate data in a cell.
- Please refer to the rationale used to reject claim 7 above.
10. ...wherein said data manipulation includes
- See Sullivan col. 3 lines 22-26. It is also well

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copy, cut, paste, edit, undo, drag, or delete.

known to those of ordinary skill in the art that spreadsheet software such as Microsoft Excel provide means to copy, cut, paste, edit, undo, drag, or delete for the purpose of manipulating data.

11. ...comprising a means to manipulate data in a corresponding tabular form or a corresponding data sheet.

Please refer to the rationale used to reject claim 7 above.

12. ...wherein said manipulation said includes copy, cut, paste, edit, undo, drag, and delete.

See Sullivan col. 3 lines 22-26. It is also well known to those of ordinary skill in the art that spreadsheet software such as Microsoft Excel provide means to copy, cut, paste, edit, undo, drag, or delete for the purpose of manipulating data.

13. ...wherein said means to manipulate are selected from a group consisting of radio buttons, sliders, data menus, or click boxes.

See Sullivan Fig. 4 and col. 12 lines 59-60.

14. ...comprising one or more additional means of activating said cell of interest.

See Abstract and col. 11 lines 22-23. Double-clicking activates a cell of interest.

Regarding claim 17, please refer to the rationale relied upon to reject claim 2.

Regarding claim 18, please refer to the rationale relied upon to reject claim 3.

Regarding claim 20, please refer to the rationale used to reject claim 5.

Regarding claim 21, please refer to the rationale relied upon to reject claim 6.

Regarding claim 22, please refer to the rationale relied upon to reject claim 7.

Regarding claim 23, please refer to the rationale relied upon to reject claim 8.

Regarding claim 24, please refer to the rationale relied upon to reject claim 9.

Regarding claim 25, please refer to the rationale relied upon to reject claim 10.

Regarding claim 26, please refer to the rationale relied upon to reject claim 11.

Regarding claim 27, please refer to the rationale relied upon to reject claim 12.

Regarding claim 28, please refer to the rationale relied upon to reject claim 2.

Regarding claim 29, please refer to the rationale relied upon to reject claim 2.

Regarding claim 30, please refer to the rationale relied upon to reject claim 14.

6. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. ("Sullivan"), U.S. Patent No. 6,651,216, in view of Wisniewski, U.S. Patent Application Publication No. 2002/0023105, in further view of Nolan et al. ("Nolan"), U.S. Patent No. 5,253,362, in further view of Powsner et al. ("Powsner"), U.S. Patent No. 5,640,549.

Claims

4. ...wherein said plurality of descriptors comprises a plurality of colors.

Sullivan/ Wisniewski/Nolan/Powsner

Sullivan-Wisniewski-Nolan, teach the method set forth in claim 2 as discussed above, but does not specifically teach said plurality of descriptors comprising a plurality of colors. However, Powsner teaches a method for determining the course of a patient's illness and response to treatment that displays a plurality of plot points in different respective colors (col. 151 lines 55-58) for the purpose of graphically differentiating cell plot points.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Sullivan-Wisniewski-Nolan with the teachings of Powsner to include a plurality of

descriptors comprising a plurality of colors for the purpose of graphically differentiating cell plot points.

Regarding claim 19, please refer to the rationale relied upon to reject claim 4.

Response to Arguments

7. Applicant's arguments with respect to claims filed on January 24, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094.

The examiner can normally be reached on 10 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
May 31, 2005